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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,009	11/29/2000	Leland James Wieschuegel	AUS9-2000-0738-US1	9657

45993 7590 11/02/2006

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EXAMINER

GRAHAM, CLEMENT B

ART UNIT	PAPER NUMBER
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3692

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/726,009

Applicant(s)

WIESEHUEGEL ET AL.

Examiner

Clement B. Graham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-21 remained pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action: (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

4. Claims 1-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (Hereinafter Johnson U.S. Patent 6, 598, 029) in view of Goldberg et al (Hereinafter Goldberg U. S. Patent 6, 985, 885).

As per claims 1-6, Johnson discloses a sales offering method for restricting access by traders to collected online sealed bids in an online offering and bidding system, said method comprising the steps:
of providing a computer-readable bid repository of collected bids communicative to an online offering and bidding system said collected bids (Note abstract and see column 19 lines 39-45).

Johnson fail to explicitly teach indicating whether is bid is a sealed bid or an unsealed bid and querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed bids by said seal status indication field said trader representing a intermediary third party between a bidder and an offeror and preventing transfer of sealed bids from said bid repository to a trader responsive to said query and presenting via a computer user interface said unsealed bids to said trader matching unsealed bids to said trader with whom said Broker Profile Matrix associated.

However Goldberg discloses a detailed description of the present invention is provided below. While the invention is described in conjunction with several embodiments, it should be understood that the invention is not limited to any one embodiment. On the contrary, the scope of the invention is limited only by the appended claims, and the invention encompasses numerous alternatives, modifications and equivalents. For example, while several embodiments are described in the context of a system and method for single-round, sealed-bid auctions for goods of effectively unlimited supply, those skilled in the art will recognize that the disclosed systems and methods are readily adaptable for broader application. For example, without limitation, the present invention could readily be applied in the context of multi-round auctions, unsealed bid auctions, and/or auctions for goods of limited supply. Moreover, while numerous specific details are set forth in the following description in order to provide a thorough understanding of the present invention, the present invention can be practiced according to the claims without some or all of these details. Finally, for the purpose of clarity, certain material that is known in the art related to the invention has not been described in detail in order to avoid obscuring the invention.(see column 4 lines 54-67 and column 5-8 lines 1-67 and column 13 lines 27-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include indicating whether is bid is a sealed bid or an unsealed bid and querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed bids by said seal status indication field said trader representing a intermediary third party between a bidder and an offeror and preventing transfer of sealed bids from said bid repository to a trader responsive to said query and presenting via a computer user interface said unsealed bids to said trader matching unsealed bids to said trader with whom said Broker Profile Matrix associated taught by Goldberg in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

As per claims 7-12, Johnson discloses a computer-readable medium containing program code for a sales offering computer system for restricting access by traders to collected online sealed bids in an online offering and bidding system, said program code when executed by a sales offering computer system causes the sales offering computer system to perform the steps of
of providing a computer-readable bid repository of collected bids communicative to an online offering and bidding system said collected bids (Note abstract and see column 19 lines 39-45).

Johnson fail to explicitly teach indicating whether is bid is a sealed bid or an unsealed bid and querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed bids by said seal status indication field said trader representing a intermediary third party between a bidder and an offeror and preventing transfer of sealed bids from said bid repository to a trader responsive to said query and presenting via a computer user interface said unsealed bids to said trader matching unsealed bids to said trader with whom said Broker Profile Matrix associated.

However Goldberg discloses a detailed description of the present invention is provided below. While the invention is described in conjunction with several embodiments, it should be understood that the invention is not limited to any one embodiment. On the contrary, the scope of the invention is limited only by the appended claims, and the invention encompasses numerous alternatives, modifications and equivalents. For example, while several embodiments are described in the context of a system and method for single-round, sealed-bid auctions for goods of effectively unlimited supply, those skilled in the art will recognize that the disclosed systems and methods are readily adaptable for broader application. For example, without limitation, the present invention could readily be applied in the context of multi-round auctions, unsealed bid auctions, and/or auctions for goods of limited supply. Moreover, while numerous specific details are set forth in the following description in order to provide a thorough understanding of the present invention, the present invention can be practiced according to the claims without some or all of these details. Finally, for the purpose of

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clarity, certain material that is known in the art related to the invention has not been described in detail in order to avoid obscuring the invention.(see column 4 lines 54-67 and column 5-8 lines 1-67 and column 13 lines 27-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include indicating whether is bid is a sealed bid or an unsealed bid and querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed bids by said seal status indication field said trader representing a intermediary third party between a bidder and an offeror and preventing transfer of sealed bids from said bid repository to a trader responsive to said query and presenting via a computer user interface said unsealed bids to said trader matching unsealed bids to said trader with whom said Broker Profile Matrix associated taught by Goldberg in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

As per claims 13-21, Johnson discloses a sealed bid sales offering system in a computer network, said computer network enabling communications between said sales offering system and trader consoles, said offering system comprising:
a bid database containing collected bids said database being accessible and queriable by sales offering system said collected bids (Note abstract and see column 19 lines 39-45) and a database query server communicative to said bid database.(see column 11 lines 6-15).

Johnson fail to explicitly teach indicating whether is bid is a sealed bid or an unsealed bid and querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed bids by said seal status indication field said trader representing a intermediary third party between a bidder and an offeror and preventing transfer of sealed bids from said bid repository to a trader responsive to said query and presenting via a computer user interface said unsealed bids to said trader matching unsealed bids to said trader with whom said Broker Profile Matrix associated.

However Godberg discloses a detailed description of the present invention is provided below. While the invention is described in conjunction with several embodiments, it should be understood that the invention is not limited to any one embodiment. On the contrary, the scope of the invention is limited only by the appended claims, and the invention encompasses numerous alternatives, modifications and equivalents. For example, while several embodiments are described in the context of a system and method for single-round, sealed-bid auctions for goods of effectively unlimited supply, those skilled in the art will recognize that the disclosed systems and methods are readily adaptable for broader application. For example, without limitation, the present invention could readily be applied in the context of multi-round auctions, unsealed bid auctions, and/or auctions for goods of limited supply. Moreover, while numerous specific details are set forth in the following description in order to provide a thorough understanding of the present invention, the present invention can be practiced according to the claims without some or all of these details. Finally, for the purpose of clarity, certain material that is known in the art related to the invention has not been described in detail in order to avoid obscuring the invention.(see column 4 lines 54-67 and column 5-8 lines 1-67 and column 13 lines 27-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Johnson to include indicating whether is bid is a sealed bid or an unsealed bid and querying said bid repository for bid which match parameters of a Broker Profile Matrix associated with a trader and which are indicated as being unsealed bids by said seal status indication field said trader representing a intermediary third party between a bidder and an offeror and preventing transfer of sealed bids from said bid repository to a trader responsive to said query and presenting via a computer user interface said unsealed bids to said trader matching unsealed bids to said trader with whom said Broker Profile Matrix associated taught by Goldberg in order to effect trades of trading instruments through automatic matching in which buyers and sellers who are willing to trade with each other is based on specified matching criteria.

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Conclusion

RESPONSE TO ARGUMENTS

5. response to argument's filed May 8/2/06 has been fully considered but they are moot in view of new grounds of rejections.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

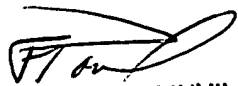
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

CG

Oct 16, 2006


FRANTZY POINVIL
PRIMARY EXAMINER
Au 3692